IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

Bail Appl..No. 7376 of 2006()

CMP.4541/2006 of J.M.F.C.-III,NEYYATTINKARA
Crime no.58/06 of Neyyattinkara Excise Range

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PETITIONER/ACCUSED:

THANKARAJAN, S/O.BHASKARAN NADAR,
MARUTHUNINNA KUZHIVILA VEEDU,
KANJIRAMKULAM DESOM, KANJIRAMKULAM VILLAGE,
NEYYATTINKARA TALUK.

BY ADV. SRI.BLAZE K.JOSE

RESPONDENT: COMPLAINANT:

STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
REPRESENTING EXCISE INSPECTOR,
NEYYATTINKARA EXCISE RANGE.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. Ramkumar, J.

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B.A.No.7376 of 2006

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Dated this the 14th day of December, 2006.

ORDER

In this petition filed under Sec.439 Cr.P.C. the petitioner who is the accused in Crime No.58 of 2006 of Neyyattinkara Excise Range for offences punishable under Secs. 8(1) and (2) and 55 (i) of the Abkari Act, for having been found in possession of 2½ liters of illicit arrack on 23.11.2006, seeks his enlargement on bail.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor. The learned Public Prosecutor opposed the application submitting inter alia that the petitioner is an accused in another case involving similar offence.

3. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec. 41A of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

This application is accordingly dismissed.

V.Ramkumar,
Judge.

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